UNITED STATES BANKRUPTCY COURT

SOUTHERN DISTRICT OF NEW YORK	
In re:	Chapter 15
PB LIFE AND ANNUITY CO. LTD, et al.,	Case No. 20-12791-lgb (Jointly Administered)
Debtors in Foreign Bankruptcy Proceeding.	
UNIVERSAL LIFE INSURANCE COMPANY,)) Adv. Proc. No. 21-01169-1gb
Plaintiff,))
v.)	DECLARATION OF
GLOBAL GROWTH HOLDINGS, INC, et al.,) LIAM O'BRIEN, ESQ.
Defendants.)))
Plaintiff, v. GLOBAL GROWTH HOLDINGS, INC, et al.,))

DECLARATION OF LIAM O'BRIEN IN SUPPORT OF DEFENDANT HUTCHISON PLLC'S MOTION TO DISMISS

- I, LIAM O'BRIEN, under penalty of perjury, hereby declare as follows:
- 1. I am the attorney for defendant Hutchison PLLC ("Hutchison") in the above-captioned matter, incorrectly named in the lawsuit as Hutchison Law Group, PLLC, and as such, I am fully familiar with this action and the facts surrounding the instant motion.
- 2. I submit this declaration in support of Hutchison's motion to dismiss the adversary complaint filed by plaintiff Universal Life Insurance Company ("Plaintiff"). Hutchison respectfully requests dismissal on each of the following grounds:
 - a) for failure to meet the pleading standard of Fed. R. Civ. P. 8(a)(2), made applicable to this adversary proceeding by Fed. R. Bankr. P. 7008;
 - b) for failure to state a claim upon which relief can be granted pursuant to Fed. R. Civ. P.

- 12(b)(6), made applicable to this adversary proceeding by Fed. R. Bankr. P. 7012(b); and
- c) for failure to state with particularity the circumstances constituting fraud as required by Fed. R. Civ. P. 9(b), made applicable to this adversary proceeding by Fed. R. Bankr. P. 7009.
- 3. An initial court conference was held in this matter on August 12, 2021, during which the Court set a motion schedule with respect to parties intending to file motions to dismiss. Dismissal motions are required to be filed on or before October 1, 2021.
 - 4. Plaintiff initiated this adversary proceeding on or about July 6, 2021.
- 5. Plaintiff filed a First Amended Complaint in this proceeding on July 30, 2021 (hereafter, the "complaint"). A copy of the First Amended Complaint is attached hereto as Exhibit "A".
- 6. Plaintiff alleges in the complaint that it is a creditor of debtor Private Bankers Life & Annuity Co., Ltd. ("PBLA"), and that it has an unsatisfied judgment against PBLA in the amount of \$524,009,051.26. See Exhibit A, ¶ 8.
- 7. Plaintiff further alleges that PBLA oversaw a trust on behalf of Plaintiff, that PBLA was ultimately owned by Greg E. Lindberg ("Lindberg"), and that Lindberg conspired with others to transfer hundreds of millions of dollars of trust assets to Lindberg-controlled limited liability companies and corporations. See Exhibit A, ¶¶ 1-5.
- 8. Plaintiff named ninety-three (93) defendants in its complaint, including Hutchison, and has asserted the six causes of action, namely: voidable transfer; unjust enrichment; conversion; constructive trust; fraud; and breach of fiduciary duty. See Exhibit A.
- 9. Hutchison is a regional law firm with two offices in North Carolina and one in Georgia.

- 10. The complaint does not contain a single substantive allegation with respect to Hutchison.
- 11. Instead, the complaint groups Hutchison together with dozens of corporate or commercial defendant entities which are or were alleged alter egos of Lindberg, referring to them collectively as the "Lindberg Affiliates". See Exhibit A, ¶ 105 (stating, "[t]he above listed Defendants are all affiliates of Lindberg ("Lindberg Affiliates") and alter egos of Lindberg, each other, and other corporate entities owned and controlled by Lindberg").
- 12. In totality, the complaint contains the following single ministerial allegation with respect to Hutchison:

Defendant Hutchison Law Group, PLLC is a North Carolina professional limited liability company located at 3110 Edwards Mill Road, Suite 300, Raleigh, NC 27612. It has no members who are citizens of Puerto Rico.

[Exhibit A, ¶ 69].

- 13. The complaint does not allege that Hutchison committed any tortious, actionable or wrongful acts with respect to the Plaintiff or Debtor entities.
- 14. The complaint does not identify any tortious, actionable or wrongful acts or omissions by Hutchison.
- 15. The complaint does not contain any particular allegations against Hutchison which relate to any of the causes of action asserted therein or which could constitute any elements of same.
 - 16. Hutchison is not a proper party to this adversary proceeding.
- 17. Pursuant to the Chamber's Rules of the Honorable Lisa G. Beckerman, attached hereto as Exhibit "B" is the movant's proposed order.

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Pursuant to 28 U.S.C. § 1746, I declare, under the penalty of perjury, that the foregoing is true and correct to the best of my knowledge, information, and belief.

Dated: October 1, 2021

New York, New York

LIAM O'BRIEN